

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CAPPSEALS, INC.,
Plaintiff,)
)
v.)
) CIVIL ACTION NO. 05-CV-11907JLT
DIRECT MARKETING CONCEPTS, INC., et al.,
Defendants.)

**LOCAL RULE 16.1(D)(3) CERTIFICATION OF
THE DMC DEFENDANTS AND THEIR COUNSEL**

Pursuant to Local Rule 16.1(D)(3) of the Local Rules of the United States District Court for the District of Massachusetts, the undersigned certify that they have conferred: (i) with a view to establishing a budget for the costs of conducting the full course - and various alternative courses - of the litigation; and (ii) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4.

Respectfully submitted,

DIRECT MARKETING CONCEPTS, INC., ITV
DIRECT, INC., DONALD W. BARRETT and
ROBERT MAIHOS,

By their attorney(s),

/s/ Christopher F. Robertson
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Dated: April 27, 2006

/s/ Donald Barrett
Donald Barrett

/s/ Robert Maihos
Robert Maihos

Certificate of Service

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on 4/27/06.

/s/ Christopher Robertson